

**EXTRACT OF MINUTE OF PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE 22 FEBRUARY 2017**

* **14. LOCAL REVIEW BODY CONSIDERATION AND REQUEST FOR REVIEW
OF EXSITING TREE PRESERVATION ORDER (TPO 08/99)**

Planning permission 16/01321/PP for the erection of a dwelling house on land southeast of Benvoulin Lodge, Benvoulin Road, Oban was refused under delegated powers on 9 August 2016. The planning application has been appealed and is subject of referral to the Local Review Body. Consideration was given to a report which conveyed a request by the Local Review Body that Members review an existing Tree Preservation Order (TPO) which covers the entirety of the appeal site (and extends beyond it) to consider whether it still has merit given that it was put in place in 1999. The site was visited and examined by Officers of the Council including the local Biodiversity Officer and it is concluded that the TPO continues to have significant merit in terms of its positive contribution to the visual amenity of the wider area and that it remains a valuable community resource through its promotion of enhanced biodiversity and informal public open space. The woodland is substantially healthy and undamaged. Members are requested to note the contents and conclusions of the report and to convey to the Local Review Body that, in the consideration of LRB 16/0007/LRB, they are of the considered opinion that the Tree Preservation Order (TPO 08/99) continues to have merit and is worthy of continued protection.

Motion

That the Committee agree:-

- a) to note that in respect of the tree removal and the significantly large number of trees present within the LRB site, that by removing 5% (to be substantiated and critiqued by LRB) of said trees would not affect the integrity of the original designation of the site;
- b) that the removal of 5% of said trees within the LRB site would not affect the collective value and contribution to amenities;
- c) that the removal of 5% of said trees will in no way be detrimental to the site which is largely characterised by an extensive area of mixed deciduous woodland;
- d) that a dwellinghouse on the site, with the removal of 5% of the trees would not take away from the positive contribution the remaining trees

would have to the wider landscape and settlement pattern forming the natural buffer; and

- e) that the removal of the trees would result in only a minor material loss of landscape, biodiversity and informal open space amenity and would have a de minimis affect on the overall TPO.

Moved by Councillor Roderick McCuish, seconded by Councillor Neil MacIntyre

Amendment

To agree the Officer's recommendation contained in the report.

Moved by Councillor George Freeman, seconded by Councillor Gordon Blair

The Motion was carried by 10 votes to 2 and the Committee resolved accordingly.

Decision

The Committee agreed:-

1. to note that in respect of the tree removal and the significantly large number of trees present within the LRB site, that by removing 5% (to be substantiated and critiqued by LRB) of said trees would not affect the integrity of the original designation of the site;
2. that the removal of 5% of said trees within the LRB site would not affect the collective value and contribution to amenities;
3. that the removal of 5% of said trees will in no way be detrimental to the site which is largely characterised by an extensive area of mixed deciduous woodland;
4. that a dwellinghouse on the site, with the removal of 5% of the trees would not take away from the positive contribution the remaining trees would have to the wider landscape and settlement pattern forming the natural buffer; and
5. that the removal of the trees would result in only a minor material loss of landscape, biodiversity and informal open space amenity and would have a de minimis affect on the overall TPO.

(Reference: Report by Head of Planning and Regulatory Services dated 9 February 2017, tabled)